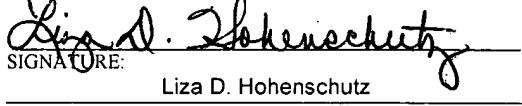
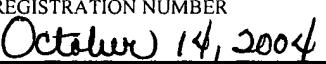


|  |  |   |  |   |
|--|--|---|--|---|
| FORM PTO 1390<br>(REV 10-2003)   |  | U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE |  | ATTORNEY'S DOCKET NUMBER<br>12874-00002-US      |
| TRANSMITTAL LETTER TO THE UNITED STATES<br>DESIGNATED/ELECTED OFFICE (DO/EO/US)<br>CONCERNING A FILING UNDER 35 U.S.C. 371   |  |   |  | U.S. APPLICATION NO. (If known, see 37 CFR 1.1) |
| INTERNATIONAL APPLICATION NO.<br>PCT/EP03/03285  | INTERNATIONAL FILING DATE<br>28 March 2003 |   |  | PRIORITY DATE CLAIMED<br>17 April 2002          |
| TITLE OF INVENTION FREDERICAMYCIN DERIVATIVES  |  |   |  |   |
| APPLICANT(S) FOR DO/EO/US Werner Simon et al.  |  |   |  |   |
| Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:  |  |   |  |   |
| <p>1. <input checked="" type="checkbox"/> This is a <b>FIRST</b> submission of items concerning a filing under 35 U.S.C. 371.</p> <p>2. <input type="checkbox"/> This is a <b>SECOND</b> or <b>SUBSEQUENT</b> submission of items concerning a filing 35 U.S.C. 371.</p> <p>3. <input checked="" type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371 (f)). The submission must include items (5), (6), (9) and (21) indicated below.</p> <p>4. <input checked="" type="checkbox"/> The US has been elected (Article 31).</p> <p>5. <input checked="" type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371 (c)(2))</p> <p>a. <input checked="" type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau).</p> <p>b. <input type="checkbox"/> has been communicated by the International Bureau.</p> <p>c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US).</p> <p>6. <input checked="" type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371 (c)(2)).</p> <p>a. <input checked="" type="checkbox"/> is attached hereto.</p> <p>b. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4).</p> <p>7. <input type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371 (c)(3))</p> <p>a. <input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau).</p> <p>b. <input type="checkbox"/> have been communicated by the International Bureau.</p> <p>c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired.</p> <p>d. <input type="checkbox"/> have not been made and will not be made.</p> <p>8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371 (c)(3)).</p> <p>9. <input checked="" type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371 (c)(4)).</p> <p>10. <input type="checkbox"/> An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371 (c)(5)).</p> |  |   |  |   |
| Items 11 to 20 below concern document(s) or information included:  |  |   |  |   |
| <p>11. <input checked="" type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98.</p> <p>12. <input checked="" type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.</p> <p>13. <input checked="" type="checkbox"/> A preliminary amendment.</p> <p>14. <input checked="" type="checkbox"/> An Application Data Sheet under 37 CFR 1.76.</p> <p>15. <input type="checkbox"/> A substitute specification.</p> <p>16. <input type="checkbox"/> A power of attorney and/or change of address letter.</p> <p>17. <input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13:er.2 and 37 CFR 1.821 - 1.825.</p> <p>18. <input type="checkbox"/> A second copy of the published international application under 35 U.S.C. 154(d)(4).</p> <p>19. <input type="checkbox"/> A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).</p> <p>20. <input type="checkbox"/> Other items or information:</p>  |  |   |  |   |

|  |              |   |  |
|--|--------------|---|--|
| U.S. APPLICATION NO. (if known, see 37 CFR 1.5)<br><b>10/511411</b>  |              | INTERNATIONAL APPLICATION NO.<br>PCT/EP03/03285 | ATTORNEY'S DOCKET NUMBER<br>12874-00002-US |
| 21. <input checked="" type="checkbox"/> The following fees are submitted:  |              | CALCULATIONS PTO USE ONLY                       |  |
| <b>BASIC NATIONAL FEE (37 CFR 1.492 (a) (1) – (5)):</b>  |              |   |  |
| <input type="checkbox"/> Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO and International Search Report not prepared by the EPO or JPO ..... \$1080.00<br><input checked="" type="checkbox"/> International preliminary examination fee (37 CFR 1.482) not paid to USPTO but International Search Report prepared by the EPO or JPO ..... \$475.00<br><input type="checkbox"/> International preliminary examination fee (37 CFR 1.482) not paid to USPTO but international search fee (37 CFR 1.445(a)(2)) paid to USPTO ..... \$770.00<br><input type="checkbox"/> International preliminary examination fee (37 CFR 1.482) paid to USPTO but all claims did not satisfy provisions of PCT Article 33(1)-(4) ..... \$730.00<br><input type="checkbox"/> International preliminary examination fee (37 CFR 1.482) paid to USPTO and all claims satisfied provisions of PCT Article 33(1)-(4) ..... \$100.00 |              |   |  |
| <b>ENTER APPROPRIATE BASIC FEE AMOUNT =</b>  |              | \$ 475.00                                       |  |
| Surcharge of \$130.00 for furnishing the oath or declaration later than 30 months from the earliest claimed priority date (37 CFR 1.492 (e)).  |              | \$  |  |
| CLAIMS   | NUMBER FILED | NUMBER EXTRA                                    | RATE                                       |
| Total claims   | 14-20 =      | 0   | \$ 0.00                                    |
| Independent claims   | 1-3 =        | 0   | \$ 0.00                                    |
| MULTIPLE DEPENDENT CLAIM(s) (if applicable)  |              | +   | \$   |
| <b>TOTAL OF ABOVE CALCULATIONS =</b>   |              | \$ 475.00                                       |  |
| <input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by ½.  |              | \$ 475.00                                       |  |
| <b>SUBTOTAL =</b>  |              | \$ 475.00                                       |  |
| Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492 (f)).   |              | \$  |  |
| <b>TOTAL NATIONAL FEE =</b>  |              | \$ 475.00                                       |  |
| Fee for recording the enclosed assignment (37 CFR 1.21 (h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property  |              | + \$ 40.00                                      |  |
| <b>TOTAL FEES ENCLOSED =</b>   |              | \$ 515.00                                       |  |
|  |              | Amount to be refunded:                          | \$   |
|  |              | charged:  | \$   |
| a. <input checked="" type="checkbox"/> A check in the amount of \$ 515.00 to cover the above fees is enclosed.<br>b. <input type="checkbox"/> Please charge my Deposit Account No. _____ in the amount of \$ _____ to cover the above fees. A duplicate copy of this sheet is enclosed.<br>c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 03-2775. A duplicate copy of this sheet is enclosed.<br>d. <input type="checkbox"/> Fees are to be charged to a credit card. <b>WARNING:</b> Information on this form may become public. <b>Credit card information should not be included on this form.</b> Provide credit card information and authorization on PTO-2038.  |              |   |  |
| <b>NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137 (a) or (b)) must be filed and granted to restore the application to pending status.</b>   |              |   |  |
| SEND ALL CORRESPONDENCE TO:  |              |   |  |
| <br>SIGNATURE: Liza D. Hohenschutz   |              |   |  |
| NAME _____   |              |   |  |
| 33,712   |              |   |  |
| REGISTRATION NUMBER  |              |   |  |
|    |              |   |  |

10/511411

Application No. (if known):

Attorney Docket No.: 12874-00002-US

Title: Fredericamycin Derivatives

**Certificate of Express Mailing Under 37 CFR 1.10**

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail, Airbill No. EV 473529395 in an envelope addressed to:

MS PCT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

on October 14, 2004  
Date



Signature

Amy L. Hamm

Typed or printed name of person signing Certificate

Registration Number, if applicable(302) 658-9141

Telephone Number

Note: Each paper must have its own certificate of mailing, or this certificate must identify each submitted paper.

Application Data Sheet (2) sheets  
Transmittal Letter to US Designated/ Elected Office (Form 1390) (2) sheets  
Fee Transmittal Sheet  
Form PCT/IB/306 (4) sheets  
Form PCT/IPEA/409 (2) sheets  
Copy of International Application PCT/EP03/03285, with Search Report  
English Translation of International Appln. PCT/EP03/03285  
Preliminary Amendment  
Information Disclosure Statement  
PTO Form SB/08  
Copies of 4 references cited on PTO Form SB/08  
Assignment executed by inventors  
Assignment Recordation Form  
Executed Declaration for patent application  
Check for \$515.00  
Return Postcard

10/511411

DT05 Rec'd PCT/PTO 14 OCT 2004

PTO/SB/17 (10-04)

Approved for use through 7/31/2006. OMB 0651-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no person are required to respond to a collection of information unless it displays a valid OMB control number.

# FEE TRANSMITTAL

## for FY 2005

Effective 10/01/2004. Patent fees are subject to annual revision.

 Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 475.00)

## Complete if Known

|                      |                       |
|----------------------|-----------------------|
| Application Number   | Not Yet Assigned      |
| Filing Date          | Concurrently Herewith |
| First Named Inventor | Werner Simon et al    |
| Examiner Name        | Not Yet Assigned      |
| Art Unit             | N/A                   |
| Attorney Docket No.  | 12874-00002-US        |

## METHOD OF PAYMENT (check all that apply)

 Check  Credit Card  Money Order  Other  None
 Deposit Account:

Deposit Account Number **03-2775**

Deposit Account Name **Connolly Bove Lodge & Hutz LLP**

The Director is authorized to: (check all that apply)

Charge fee(s) indicated below  Credit any overpayments

Charge any additional fee(s) or any underpayment of fee(s)

Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

## FEE CALCULATION (continued)

## 3. ADDITIONAL FEES

| Large Entity        | Small Entity | Fee Description                                     | Fee Paid  |
|---------------------|--------------|---|---|
| Fee Code            | Fee (\$)     | Fee Code  | Fee (\$)  |
| 1051                | 130          | 2051  | 65 Surcharge – late filing fee or oath  |
| 1052                | 50           | 2052  | 25 Surcharge – late provisional filing fee or cover sheet.                    |
| 1053                | 130          | 1053  | 130 Non-English specification   |
| 1812                | 2,520        | 1812  | 2,520 For filing a request for ex parte reexamination                         |
| 1804                | 920*         | 1804  | 920* Requesting publication of SIR prior to Examiner action                   |
| 1805                | 1,840*       | 1805  | 1,840* Requesting publication of SIR after Examiner action                    |
| 1251                | 110          | 2251  | 55 Extension for reply within first month                                     |
| 1252                | 430          | 2252  | 215 Extension for reply within second month                                   |
| 1253                | 980          | 2253  | 490 Extension for reply within third month                                    |
| 1254                | 1,530        | 2254  | 765 Extension for reply within fourth month                                   |
| 1255                | 2,080        | 2255  | 1,040 Extension for reply within fifth month                                  |
| 1401                | 340          | 2401  | 170 Notice of Appeal  |
| 1402                | 340          | 2402  | 170 Filing a brief in support of an appeal                                    |
| 1403                | 300          | 2403  | 150 Request for oral hearing  |
| 1451                | 1,510        | 1451  | 1,510 Petition to institute a public use proceeding                           |
| 1452                | 110          | 2452  | 55 Petition to revive – unavoidable   |
| 1453                | 1,370        | 2453  | 685 Petition to revive - unintentional  |
| 1501                | 1,370        | 2501  | 685 Utility issue fee (or reissue)  |
| 1502                | 490          | 2502  | 245 Design issue fee  |
| 1503                | 660          | 2503  | 330 Plant issue fee   |
| 1460                | 130          | 1460  | 130 Petitions to the Commissioner   |
| 1807                | 50           | 1807  | 50 Processing fee under 37 CFR 1.17(q)  |
| 1806                | 180          | 1806  | 180 Submission of Information Disclosure Stmt                                 |
| 8021                | 40           | 8021  | 40 Recording each patent assignment per property (times number of properties) |
| 1809                | 790          | 2809  | 395 Filing a submission after final rejection (37 CFR 1.129(a))               |
| 1810                | 790          | 2810  | 395 For each additional invention to be examined (37 CFR 1.129(b))            |
| 1801                | 790          | 2801  | 395 Request for Continued Examination (RCE)                                   |
| 1802                | 900          | 1802  | 900 Request for expedited examination of a design application                 |
| Other fee (specify) | 2613         | PCT: For filing where search report done by EPO/JPO | 475.00  |

SUBTOTAL (1) (\$ 0.00)

\*Reduced by Basic Filing Fee Paid SUBTOTAL (3) (\$ 475.00)

\*\*or number previously paid, if greater; For Reissues, see above

| SUBMITTED BY      |                            |                                   |        | (Complete if applicable) |                  |
|-------------------|----------------------------|-----------------------------------|--------|--------------------------|------------------|
| Name (Print/Type) | Liza D. Hohenschutz        | Registration No. (Attorney/Agent) | 33,712 | Telephone                | (302) 658-9141   |
| Signature         | <i>Liza D. Hohenschutz</i> |                                   |        | Date                     | October 14, 2004 |

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